

Response to the Final Office Action Dated October 8, 2003  
Serial No. 10/056,101

### **REMARKS**

In the Final Office Action, the Examiner noted that claims 1-41 are pending in the application, and that claims 1-41 are rejected. By this response, claims 1-11, 13, 16-18, 20, 23-26, 28, 29, 34-37, 40, and 41 continue unamended; and claims 12, 14, 15, 19, 21, 22, 27, 30-33, 38, and 39 are amended. In view of the following discussion, the Applicants submit that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. §103. In addition, the Applicant incorporates by reference the arguments presented in the Response dated July 25, 2003 in response to the Office Action dated March 25, 2003. Thus, the Applicant believes that all of these claims are now in allowable form.

The Applicant understands that the Examiner has a busy schedule. The Applicant thanks the Examiner for the telephone interview granted on March 15, 2004. During the interview, the Examiner conceded that in addition to the claims that contain allowable subject matter, that the references cited by the Examiner (specifically Yanney, Jr. (U.S. Patent No. 4,331,423, issued May 25, 1982) ("Yanney")) does not disclose barbs which extend from the tubular body of the analog. As such, the Applicant maintains that additional claims are patentable over the references cited by the Examiner (discussed below in greater detail).

### **REJECTION OF CLAIMS UNDER 35 U.S.C. §112**

The Examiner rejected claims 27-41 under 35 U.S.C. §112, second paragraph. The Applicant has amended claim 27 to delete step "f" as suggested by the Examiner. As such, claim 27 as amended complies with 35 U.S.C. §112, second paragraph. In view of the amendment to claim 27, dependent claims 28-41 (which depend either directly or indirectly upon claim 27) also comply with 35 U.S.C. §112, second paragraph. As such, the Applicant requests reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph rejection of claims 27-41.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. §102**

The Examiner rejected, under 35 U.S.C. §102(b), claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37 as being anticipated by Carlsson et al. (U.S. Patent No. 5,125,841,

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issued June 30, 1992) ("Carlsson"); claims 1-3, 9-11, 18, and 25-29 as being anticipated by Sutter (WO 98/52490, corresponding U.S. Patent No. 6,332,777, issued December 25, 2001); and claims 1-3, 9-11, 15, 18, and 22 as being anticipated by Yanney.

**A. Claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37**

The Examiner rejected, under 35 U.S.C. §102(b), claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37 as being anticipated by Carlsson. The Applicant traverses the rejection.

Carlsson discloses a device for providing a dental impression (i.e., an "impression top"). The device is intended to transfer the direction and position of a dental implant or an extension element to a work model. The upper part of the device has a geometry which provides for retention in the surrounding impression compound. The resulting impression is used on a dummy.

The Applicant claims an analog/method which provides more accurate seating of a prosthesis to an abutment or implant.

In making the 35 U.S.C. §102(b) of claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37, the Examiner implies that impression molding is the same as analog devices/method. The Applicant respectfully disagrees.

For example, impression molding is typically used for dental molds. Analogs are used for creating jaw implants. The forces applied in impression molding are different than the forces applied to analog devices/methods.

For example, the implant analogs are subject to twisting and pulling forces by instruments, and the analogs are precariously held in place with the holding media, referred to as "stone" in the trade. Therefore, it is essential that the placement and stabilization of the analog within the stone material be precise and immobile, which is all the more reason for the necessity of anti-rotational accessories being provided upon the implant analog.

Applicant's amended independent claims 1 and 27 recite an analog device for preparing a jaw implant supporting a dental crown for insertion into the mouth of a patient and method for preparing dental crowns which includes preparing an implant

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analog supporting a dental crown mounting pin. Specifically, Applicant's claim 1 recites, in pertinent part: "an anchored anti-rotation analog post for preparing a jaw implant supporting a dental crown for insertion into the mouth of patient." Applicant's claim 27 recites, in pertinent part: "a method of preparing dental crowns efficiently and accurately, comprising the steps of preparing an analog for a jaw implant supporting a dental crown mounting pin."

Carlsson is silent with respect to analogs. Thus, in view of the forgoing, Carlsson does not teach or suggest each and every element of Applicant's invention as recited in claims 1 and 27. Namely, Carlsson does not teach or suggest using an improved analog device or analog method.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Since Carlsson does not teach analog devices or analog methods, Carlsson does not teach each and every element of Applicant's claims 1 and 27. Therefore, the Applicant contends that claims 1 and 27 are not anticipated by Carlsson and, as such, fully satisfy the requirements of 35 U.S.C. §102.

Furthermore, dependent claims 2, 3, 9-11, 13, 18, 20, 25, and 26 (which depend directly or indirectly upon claim 1); and dependent claims 28, 29, 31, and 37 (depend, either directly or indirectly, from claim 27) recite additional features therefor. Since Carlsson does not anticipate Applicant's invention as recited in claims 1 and 27, dependent claims 2, 3, 9-11, 13, 18, 20, 25, 26, 28, 29, 31, and 37 are also not anticipated and are allowable. As such, the Applicant requests reconsideration and withdrawal of the rejection of these claims.

**B. Claims 1-3, 9, 10, 11, 18, and 25-29**

The Examiner rejected claims 1-3, 9, 10, 11, 18, and 25-29 as being anticipated by Sutter. The Applicant respectfully traverses the rejection.

The Applicant incorporates the explanation of Applicant's invention from section "A" herein, into the instant section. For brevity, that explanation is not repeated.

The Applicant respectfully submits that like Carlsson, Sutter is also used for

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impression molding. Sutter does not disclose an analog device or method.

As explained above, Applicant's independent claims 1 and 27 recite a device and method, respectively, for the insertion of a crown. The device and method each utilize an analog. Because Sutter is silent with respect to analogs, Sutter does not anticipate Applicant's claims 1 and 27. Furthermore, dependent claims 2, 3, 9-11, 18, 25, and 26 (which depend directly or indirectly upon claim 1); and dependent claims 28 and 29 (depend, either directly or indirectly, from claim 27) recite additional features therefor. Since Sutter does not anticipate Applicant's invention as recited in claims 1 and 27, dependent claims 2, 3, 9-11, 18, 25, 26, 28, and 29 are also not anticipated and are allowable. As such, the Applicant requests reconsideration and withdrawal of the rejection of these claims.

**C. Claims 1-3, 9-11, 15, 18, and 22**

The Examiner rejected claims 1-3, 9-11, 15, 18, and 22 as being anticipated by Yanney. The Applicant traverses the rejection.

Yanney discloses a device that is inserted into a tooth dentin. As a result, the device is not exposed to torsional rotation in a person's tooth. Yanney is also not an analog. Yanney is of a different scale, since it discloses a pin anchored in a small portion of tooth dentin, not an analog for a jaw implant supporting a dental crown, wherein the implant analog is subject to external manipulative forces.

As explained above, the Applicant's claim 1 recites an analog as one of the features of the respective claims. Because Yanney does not contain this feature, Yanney does not anticipate Applicant's claim 1. Furthermore, dependent claims 2, 3, 9-11, 15, 18, and 22 (which depend directly or indirectly upon claim 1) recite additional features therefor. Since Sutter does not anticipate Applicant's invention as recited in claim 1, dependent claims 2, 3, 9-11, 15, 18, and 22 are also not anticipated and are allowable. As such, the Applicant requests reconsideration and withdrawal of the rejection of these claims.

**REJECTION OF CLAIMS UNDER 35 U.S.C. §103**

The Examiner rejected claims 4-8 as being obvious in view of Carlsson; and

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claims 1-11, 18, and 25-29 as being obvious in view Sutter. The Applicants respectfully traverse the rejection.

As explained above, Carlsson and Sutter are applicable to a different device (i.e., for impression molding) than the device and method disclosed by the Applicant (i.e., an analog). As such, the Applicant maintains that Carlsson does not render Applicant's claims 4-8 obvious; and that Sutter does not render Applicant's claims 1-11, 18, and 25-29 obvious. Therefore, the Applicant requests reconsideration and withdrawal of the rejection of these claims.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner indicated that claims 12, 14, 16, 17, 19, 21, 23, 24, 30, 32-36, and 38-41 claimed allowable subject matter and that these claims would be allowed if rewritten into independent form to include the features of the claims from which they depend. The Applicant has amended the claims as requested by the Examiner. However, in view of the telephone interview with the Examiner, the Applicant believes that claim 15 is also allowable. As such, the Applicant has amended claim 15 into independent form and not claims 16 and 17; and amended claim 22 into independent form and not claims 23 and 24. In addition, because claim 39 is directed to barbs, the Applicant did not amend claims 40 and 41. Note that claims 15, 22, and 39 are directed to barbs which the Examiner indicated is patentable.

#### **Conclusion**

Thus, Applicant submits that none of the claims presently in the application are indefinite, anticipated, or obvious under the respective provisions of 35 U.S.C. §§ 112, 102, or 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone the undersigned at (631) 361-8737 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,



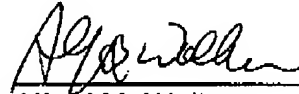
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CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence is being deposited by fax to 703-872-9306 on the date indicated below.

Date: April 8, 2004



Alfred M. Walker